

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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REINALDO MORALES, JR.

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Case No. 1:08-CV-914  
(Criminal Case No. 1:06:CR:50)

HON. GORDON J. QUIST

**ORDER**

On December 8, 2008, the Court issued a Memorandum Opinion and Order denying Petitioner's Motion to Recuse. That same day, the Court issued an Opinion and a separate Order and Judgment denying Petitioner's Motion to Vacate, Set Aside or Correct Sentence By a Person in Federal Custody and also denying Petitioner a certificate of appealability.

Petitioner has filed a Motion for Reconsideration pursuant to Fed. R. Civ. P. 59(e) and 60(b) of the Court's Order denying his Motion to Recuse. Petitioner has also filed a Motion for Reconsideration pursuant to Fed. R. Civ. P. 59(e) and 60(b) of the Court's Order denying his Motion under § 2255. Finally, Petitioner has filed a separate Motion captioned "Judicial Notice Request Pertaining to Prosecutorial Misconduct."

Having reviewed Petitioner's motion seeking reconsideration of the Order denying recusal, the Court finds nothing therein that suggests reconsideration is warranted. In fact, Petitioner's motion for recusal was frivolous.

The Court has also reviewed Petitioner's motion seeking reconsideration of the Order denying Petitioner's Motion under § 2255 and a certificate of appealability, as well as Petitioner's motion concerning prosecutorial misconduct. The Court is likewise unpersuaded by these motions that it should reconsider its prior decision. In his motion, Petitioner mainly asserts that the Court erred in: (1) grouping his nineteen grounds for relief into three categories instead of considering each ground separately; (2) not granting Petitioner an evidentiary hearing; and (3) not appointing Petitioner counsel. These arguments lack merit. As the Court mentioned in its Opinion denying the § 2255 Motion, Petitioner's nineteen grounds related to three broad issues and did not require separate consideration. In fact, the Court fully addressed Petitioner's arguments in its analysis. In addition, Petitioner was not entitled to an evidentiary hearing, as the decision to grant an evidentiary hearing is left to the district court's discretion. *Amr v. United States*, 280 F. App'x 480, 485 (6th Cir. 2008). Finally, because Petitioner's grounds all lacked merit on their face, there was no reason for the Court to grant Petitioner counsel. Therefore,

**IT IS HEREBY ORDERED** that Petitioner's Motion for Reconsideration pursuant to Fed. R. Civ. P. 59(e) and 60(b) of the Court's Order denying his Motion to Recuse (docket no. 44) is **DENIED**.

**IT IS FURTHER ORDERED** that Petitioner's Motion for Reconsideration pursuant to Fed. R. Civ. P. 59(e) and 60(b) of the Court's Order denying his Motion under § 2255 (docket no. 43) and Petitioner's Motion captioned "Judicial Notice Request Pertaining to Prosecutorial Misconduct" (docket no. 45) are **DENIED**.

Dated: October 9, 2009

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE